



**U.S. Department of Justice**

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**FOR IMMEDIATE RELEASE**

Bay City, Michigan

**FORMER OGEMAW COUNTY PROSECUTING ATTORNEY  
SENTENCED TO FIVE YEARS FOR ILLEGAL POSSESSION  
OF MACHINE GUNS AND SILENCERS**

The former Ogemaw County Prosecuting Attorney was sentenced today after having been convicted of unlawful possession of machine guns and silencers by a federal court jury in August, 2007, announced United States Attorney Stephen J. Murphy.

Mr. Murphy was joined in the announcement by Thomas E. Brandon, Special Agent in Charge, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Frederick A. MacKinnon, 54, was sentenced by United States District Judge Robert H. Cleland to 60 months in prison.

Evidence presented during the three week trial showed that the former elected official and his co-defendants, Gary J. Theunick and Maxwell Lee Garnett, abused their official positions to obtain 7 machine guns and 9 silencers, which are heavily restricted under federal law, for their own personal use rather than for any law enforcement purpose.

MacKinnon's co-defendants, Gary J. Theunick and Maxwell Lee Garnett, were previously sentenced to 63 months (on March 7, 2008) and 71 months (on March 11, 2008), respectively. MacKinnon and Theunick were the prosecutor and chief assistant prosecutor, respectively, during part of the time covered by the indictment; Garnett was the Rose City Chief of Police at the time.

U.S. Attorney Murphy said, "When prosecutors and police officers flout the law just to be able to get a hold of particularly dangerous weapons for their personal recreation, this is an abuse of power that violates the public's trust in the fair application of the law."

Special Agent Brandon said, "The jury verdict and subsequent sentence against these defendants shows that no one is above the law."

Mr. Murphy commended the excellent investigative work of the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Michigan State Police, as well as the federal prosecution team from the Bay City and Detroit U.S. Attorney's Offices.